

REMARKS

The Office Action dated August 8, 2006 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 15-22 are pending in this application. By this amendment, claim 16 is amended.

Claims 16-22 stand rejected under 35 U.S.C. §112, second paragraph, in regard to the recitation of "the elongate appendages of said filter" in claims 16 and 22. The rejection is respectfully traversed.

The Office Action at page 2 asserts that the "said filter" recited in the above-cited phrase lacks antecedent basis. However, proper antecedent basis for the recitation is found in the preambles of claims 16 and 22, which each recite "... a vascular filter having a plurality of elongate appendages" As claims 16 and 22 are clear, it is respectfully requested that the rejection be withdrawn. Also, the rejection appears moot to the extent it regards claims 20 and 21 because these claims do not depend from claims containing the objectionable text (claims 16 and 22).

Claims 15 and 20-21 stand rejected under 35 U.S.C. §102(b) over Kleshinski (U.S. Pat. No. 5,776,162). The rejection is respectfully traversed.

Kleshinski fails to show or describe a filter delivery unit for a vascular filter, or a filter delivery unit having the elongate pusher wire and flexible hinge, as recited in claim 15. Stated simply, Kleshinski shows and describes only a blood filter, and fails to show or describe a delivery unit for a blood filter. See Kleshinski at Abstract. Kleshinski's blood clot filter 10 is not a delivery unit for a filter. The only description provided in Kleshinski regarding a delivery unit is limited to non-specific references to catheters and plastic tubing. See Kleshinski at col. 1, lines 19-20 and 29-31, col. 2, line 53, and col. 3, lines 19-21.

Claims 16-18 stand rejected under 35 U.S.C. §102(b) over Ciordinik (U.S. Pat. No. 4,680,573). The rejection is respectfully traversed.

Ciordinik fails to show or describe a filter delivery unit, or a filter delivery unit having an elongate pusher wire, a flexible hinge, and an enlarged spline, as recited in claim 16. Ciordinik is limited to a wire used in a wire fence. See Ciordinik at Abstract. Ciordinik's wire 1 is not a delivery unit for a filter, or part of a delivery unit for a filter. MPEP §2131 makes clear that "to

anticipate a claim, the reference must teach every element of the claim." Ciordinik does not show or describe a filter delivery unit and the other features recited in claim 16.

For at least the foregoing reasons, the applied references fail to show or describe all of the features recited in the independent claims or the dependent claims thereof. It is respectfully requested that the rejections be withdrawn.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this Application and the prompt allowance of at least claims 15-22.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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